

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

EDWARD KOELLER and KEVIN CHEEK
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

NUMRICH GUN PARTS
CORPORATION

Defendant.

Case No.: 1:22-cv-675 (DNH/CFH)

**MOTION TO DISMISS PLAINTIFFS’
SECOND AMENDED CLASS ACTION COMPLAINT**

Defendant, Numrich Gun Parts Corporation, hereby moves pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss the Plaintiffs’ Second Amended Class Action Complaint, or in the alternative, to strike immaterial and impertinent allegations pursuant to Rule 12(f). In support thereof, Defendant relies upon the accompanying Memorandum of Law and any Reply Memorandum of Law or oral argument submitted to the Court.

Dated: December 16, 2022

/s/ Karen G. Felter

Karen G. Felter (NDNY Bar # 508182)

Smith Sovik Kendrick & Sugnet, P.C.

250 S. Clinton St., Suite 600

Syracuse, NY 13202

BY: MULLEN COUGHLIN LLC

By: /s/ James F. Monagle

James F. Monagle*

MULLEN COUGHLIN LLC

309 Fellowship Road, Suite 200

Mt. Laurel, NJ 08054

(267) 930-1529

jmonagle@mullen.law¹

Attorneys for Defendant

¹ Northern District of New York Admission Pending

CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of December, 2022, a true and correct copy of the foregoing document has been served upon all counsel of record via CM/ECF.

/s/ Karen G. Felter

Karen G. Felter